

U.S.S.N. 08/398,555

Filed: March 3, 1995

**RESPONSE AND TRANSMITTAL OF TERMINAL DISCLAIMER****Remarks**

In its decision, the Board of Appeals reversed the rejection of claims 14-16 and 33 under 35 U.S.C. § 103 over U.S. Patent No. 5,370,681 to Herweck *et al.* ("Herweck") in view of U.S. Patent No. 5,171,264 to Merrill ("Merrill"); reversed the rejection of claim 17 under 35 U.S.C. § 103 over Herweck in view of Merrill and U.S. Patent No. 5,522,895 to Mikos; affirmed the rejection of claims 14-17 and 33 under the judicially created doctrine of obviousness-type double patenting over claims 1-4 of U.S. Patent No. 5,906,828 to Cima *et al.* in view of U.S. Patent No. 4,954,637 to Nitecki *et al.* ("Nitecki"), U.S. Patent No. 5,508,164 to Kausch *et al.* ("Kausch"), and the art listed on page 12, lines 1-12 of the pending application; and affirmed the rejection of claims 32 and 34 under the judicially created doctrine of obviousness-type double patenting over claim 20 of U.S. Patent No. 6,045,818 to Cima *et al.* in view of Nitecki, Kausch, and the art listed on page 12, lines 1-12 of the pending application.

In response, Applicants submit a terminal disclaimer to overcome the obviousness-type double patenting rejections. All of the pending claims should now be in condition for allowance.

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Allowance of claims 14-17 and 32-34 is respectfully requested.

Respectfully submitted,

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